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Chairman: Mr. Al Bayati. . . . . (Iraq)

Contents

Agenda item 67: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Agenda item 68: Report of the Human Rights Council (*continued*)

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The meeting was called to order at 10.20 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36)

1. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the United Nations High Commissioner for Human Rights (A/61/36).

2. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.34)

Draft resolution A/C.3/61/L.34: The right to development

3. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution. With regard to paragraphs 2, 3 and 30 of the draft resolution, the Secretary-General, in his report to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530)", had informed the General Assembly that provisions already existed in the programme budget for the biennium 2006-2007 for the Working Group to meet for a period of five working days per year to implement Human Rights Council resolution 1/4 in the following way: under section 2, General Assembly and Economic and Social Council affairs and conference management, for conference-servicing costs, $360,600; under section 23, Human rights, for travel and daily subsistence allowance requirements, $110,800; and under section 28E, Administration, Geneva for conference support costs, $6,600. Since the combined duration of the task force meeting and the Working Group session was 10 days, no additional appropriation was required in response to the resolution. Were the Working Group to meet for additional periods, additional travel requirements might arise under section 23, Human rights. The Secretariat would to the extent possible absorb within existing resources the requirements of the Group. Hence, no additional appropriations would be required.

4. **Mr. Amorós Núñez** (Cuba) said that despite intensive consultations, it had not been possible to arrive at a text supported by the overwhelming majority of Member States, as the specific priorities of the Non-Aligned Movement had not been sufficiently addressed and accommodated by other delegations. The draft resolution was intended to provide guidance for the Working Group on the Right to Development of the Human Rights Council and the task force. It seemed, however, that the commitment to the right to development was not shared by other delegations.

5. There were a number of revisions to the draft resolution. The eighth preambular paragraph should be replaced by the following: "Expressing concern over the suspension of the trade negotiations of the World Trade Organization, and stressing the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,". In paragraph 2, the words "Emphasizes the importance" should be replaced by the words "Recognizes the relevance", and the words "for a period of one year" and "for a period of five working days" should be deleted. In the third paragraph, the word "Endorses" should be replaced by "Recognizes also the relevance of", and the words "for a period of five working days" in the second line should be deleted. In paragraph 4 (a), the words "act to ensure that its agenda" should be deleted, and the words "promotes and advances" should be corrected accordingly to read "promote and advance". In paragraph 7 (d), the words "further consideration of" should be inserted after the word "through" in the second line. In paragraph 8, the word "Reaffirms" should be replaced by the words "Recognizes the relevance of", and the words "particularly the submission of a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature" should be deleted. In paragraph 27, the following words should be inserted at the beginning of the paragraph: "Welcomes the Declaration of Commitment on HIV/AIDS adopted at the High-Level Meeting of the General Assembly on 2 June 2006 and". In paragraph 31, the word "next" should be inserted before the word "report" in the last line. The words "at its fourth session" should be deleted from paragraphs 31 and 34.

The meeting was suspended at 10.35 p.m. and resumed at 10.50 p.m.

6. **Mr. Ceinos-Cox** (United States of America), speaking in explanation of vote before the voting, said that his delegation opposed the draft resolution and would request a vote on its consideration. His Government understood the right to development to mean that individuals should enjoy the right to develop their intellectual and other capabilities to the extent possible, through the exercise of the full range of civil and political rights. The text contained several of the same initiatives that his delegation had found objectionable in years past, such as asking the task force and Working Group on the right to development to consider a legally binding instrument on that right. His delegation would continue in its long-standing commitment to international development and, as a major objective of its foreign policy, would continue to help nations achieve sustainable economic growth. He did not believe that the draft resolution helped to forward those goals, and would thus vote against it and encourage others to do the same.

7. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, reiterated the Union's firm commitment to the right to development, which should be addressed with as broad a consensus as possible. It had adopted a constructive approach and made a number of proposals on the draft in the ongoing negotiations. Regretfully, no agreement could be reached with the main sponsor on the issue of the mandate of the Working Group on the right to development. That right was inextricably linked to other rights and it was the primary responsibility of States to ensure conditions conducive to its enjoyment. A legally binding international instrument was not a viable option; other options that would favour international cooperation in development should be explored instead. While the European Union had voted in favour of drafts on the right to development in the past, he regretted that it would vote against the one under consideration.

8. *A recorded vote was taken on draft resolution A/C.3/61/L.34, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Bosnia and Herzegovina.

9. *Draft resolution A/C3/61/L.34, as orally revised, was adopted by 126 votes to 51, with 1 abstention.*

10. **Mr. Takase** (Japan) said that it was the primary obligation of the State to realize the right to

development. Attempting to realize that right through a convention, as envisaged in paragraph 7 of draft resolution L.34, would only make it more difficult for States to fulfil that obligation. For that reason, he had voted against the draft.

11. **Mr. Binette** (Canada) said that the Working Group had been successful in building consensus on difficult issues. However, he was deeply concerned that the draft resolution undermined that spirit of consensus. It drew language directly from the summit of the Non-Aligned Movement, where only one group of States had been represented. A proposed legally binding instrument on the right to development was also of concern, it did not enjoy international consensus. Existing practices should be strengthened rather than new obligations created. His delegation had thus voted against the draft resolution.

12. **Mr. Ballestero** (Costa Rica) said that his delegation had voted in favour of the draft resolution, and deplored the divisive pattern of voting. Paragraph 7 (d), as orally revised, seemed significantly improved; it no longer called directly for the elaboration of a convention, but invited "further consideration" of one as a means to advance the right to development.

13. **Mr. Amorós Núñez** (Cuba) emphasized that the draft resolution was significant for the Non-Aligned Movement, which had sought broad support and held many consultations. He hoped for different voting results and increased support to that right in the future.

14. **The Chairman** drew attention to a letter dated 22 November 2006 from the President of the General Assembly addressed to the Chairman of the Third Committee stating that, at the 57th plenary meeting of the sixty-first session of the General Assembly, the Assembly had decided also to consider, directly in plenary meeting, agenda item 67 (b), for the sole purpose of taking action during the main part of the sixty-first session on the draft convention on the rights of persons with disabilities, which was expected to be completed in early December by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and recommended for adoption in its report.

15. He suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the following documents: report of the Secretary-General on the right to development (A/61/211); note by the Secretary-General transmitting the report on the protection of human rights and fundamental freedoms while countering terrorism (A/61/267); report of the Secretary-General on human rights and unilateral coercive measures (A/61/287); report of the Secretary-General on the question of enforced or involuntary disappearances (A/61/289); note by the Secretary-General transmitting the report on human rights defenders (A/61/312); report of the Secretary-General on combating defamation of religions (A/61/325); note by the Secretary-General transmitting the report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/61/338); note by the Secretary-General transmitting the report on the elimination of all forms of religious intolerance (A/61/340); report of the Secretary-General on the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region (A/61/348); note by the Secretary-General transmitting the report on civil and political rights, including the questions of independence of the judiciary, administration of justice, impunity (A/61/384); note by the Secretary-General transmitting the report on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/61/464); note by the Secretary-General transmitting the report on human rights and extreme poverty (A/61/465) and the report of the Secretary-General on missing persons (A/61/476).

16. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 360, 374, 369/Corr.1, 469, 470 and Corr.1, 475, 489, 526)

17. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/61/276); note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/61/360); note by the Secretary-General transmitting the report of the United Nations Commissioner for Human Rights on the human rights situation and the activities of her Office, including

technical cooperation, in Nepal (A/61/374); note by the Secretary-General on the situation of human rights in Myanmar (A/61/369/Corr.1); note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan (A/61/469); note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/61/470 and A/61/470/Corr.1); note by the Secretariat transmitting the progress report by the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/61/475); report of the Secretary-General on the situation of human rights in Turkmenistan (A/61/489); report of the Secretary-General on the situation of human rights in Uzbekistan (A/61/526).

18. *It was so decided.*

19. **Mr. Amorós Núñez** (Cuba) said that all statements by Non-Aligned Movement delegations under the present agenda item had been made in accordance with a mandate given by the Movement with regard to human rights. Concerning draft resolution A/C.3/61/L.43, entitled Situation of indigenous peoples and immigrants in Canada, his Government's recorded vote did not reflect a position on the substance of the resolution. Country-specific resolutions were not the best means of promoting and protecting human rights within the United Nations. His delegation's vote in favour of the resolution was in keeping with the systematic support given by Canada to successive resolutions against Cuba submitted by the United States of America. It reiterated its resolve to act within a framework of dialogue and cooperation and end the practice of submitting country-specific resolutions within the United Nations system.

(a) Implementation of human rights instruments

20. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/61/48); report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/61/226); note by the Secretary-General transmitting the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/61/259); report of the Secretary-General on the Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/61/279); report of the Secretary-General on the Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/61/354); note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their eighteenth meeting (A/61/385).

21. *It was so decided.*

Agenda item 68: Report of the Human Rights Council (*continued*)

Draft resolution A/C.3/61/L.18/Rev.1: Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

22. **The Chairman** drew attention to the proposed amendments to the draft resolution contained in document A/C.3/61/L.57/Rev.1. The draft resolution contained no programme budget implications.

23. **Mr. Chávez Basagoitia** (Peru), speaking on behalf of the original sponsors and Albania, Andorra, Austria, Belgium, Bolivia, Dominica, Malta, Moldova, Montenegro and Serbia, said that the first preambular paragraph of draft resolution A/C.3/61/L.18/Rev.1 had been revised to address concerns expressed by a number of delegations over the principles of self-determination of peoples and respect for the territorial integrity of States. The proposed amendment made the objective of the United Nations Declaration on the Rights of Indigenous Peoples clear. The Declaration was paving the way for a sound and stable relationship between indigenous peoples and States. The third preambular paragraph recognized that the situation of indigenous peoples worldwide was not uniform. Therefore, the Declaration should take into consideration the specific situation of each indigenous people in every nation. Paragraph 1 had also been amended to express appreciation to the Working Group of the Commission on Human Rights for its work on a draft declaration on the rights of indigenous peoples.

24. **The Chairman** invited the Committee to take action on the proposed amendments to the draft resolution.

25. **Mr. Mbuende** (Namibia), speaking on behalf of the African Group, said that the Group recognized the

urgent need to address the situation of indigenous peoples and marginalized groups in all societies. However, some of the provisions of the Declaration contradicted the national constitutions of a number of African countries, the African Group had been unable to adopt it in its present form. It therefore requested that action on the Declaration should be deferred to allow time for further consultations. For that reason, it had submitted amendments to draft resolution A/C.3/61/L.18/Rev.1, which were contained in document A/C.3/61/L.57/Rev.1. He urged all delegations to support the amendments in a spirit of dialogue and inclusiveness.

26. **Mr. Chávez Basagoitia** (Peru) said that the proposed amendments to the draft resolution ran counter to the central spirit of the proposals put forward in the draft, namely the immediate adoption of the Declaration. He regretted that his delegation would have to request a vote on the proposed amendments. They came as a surprise, as the African Group had expressed its concurrence with and full support for the Declaration at the Human Rights Council and had appealed to some States to withdraw their reservations so that it might be adopted by consensus. His delegation had made sincere efforts to allay any remaining concerns in the revised version of the draft resolution. The resolution enjoyed legitimacy owing to the broad participation of indigenous peoples in its drafting. There was no reason to defer taking a decision on the matter after 24 years of work had gone into it. Therefore, a no-action motion on the adoption of the Declaration did not make any sense. The time had come for States openly to express their views on the Declaration. His delegation would vote against the proposed amendments.

27. **Mr. Mbuende** (Namibia), speaking on behalf of the African Group, said that the proposed amendments applied to the draft resolution and not to the Declaration. It would be difficult for the African Group to adopt a Declaration which contradicted national constitutions and which members would not be able to honour. With respect to the statement made by the African Group on the Declaration at the Human Rights Council, of the 14 African States members of the Council, 10 had abstained from voting on the Declaration. The Committee should interpret those abstentions as a clear message to that effect. His delegation requested that the adoption of the Declaration should be deferred in the interest of arriving at an instrument which all members could implement.

28. **Mr. Abdelaziz** (Egypt) said that the Declaration could have been adopted by consensus if the item had been left on the Human Rights Council agenda for 2007. The Council had exceeded its authority by proposing a draft resolution for adoption by the General Assembly. There was a need for more time and further discussion with the wider membership of the United Nations.

29. **Mr. Berruga** (Mexico) said that the request for more time to consider the Declaration seemed strange given that the issue had been under discussion for many years. What was being deferred was the attention that the rights of indigenous peoples should be paid. There were a number of other international instruments such as the 2005 World Summit Outcome, the Beijing Declaration and the Durban Declaration and Programme of Action, which called for the protection and promotion of the rights of indigenous peoples. The time had come for all such commitments in support of indigenous peoples to be carried out. The safeguards contained in the draft resolution should enable any Member State to respect the needs of indigenous peoples in keeping with its own legislation. Therefore, his delegation would vote against the amendments submitted. A no-action motion would jeopardize the viability of the Declaration and send a signal to the international community that the Committee was unable to act in such an important area.

30. **Ms. Taracena** (Guatemala) said that her delegation supported the statements by Peru and Mexico. She encouraged all delegations that were committed to the protection and promotion of the human rights of indigenous peoples to vote against the proposed amendments. The amendments would undermine the efforts made over the years by postponing the adoption of the Declaration, which would not necessarily result in an improvement of the Declaration. Therefore, her delegation called on members to vote against the amendments and to vote in favour of the draft resolution.

31. **The Chairman** said that a recorded vote had been requested on the proposed amendments to draft resolution L.18/Rev.1.

32. **Mr. Rodas Suárez** (Bolivia) said that the draft declaration was a positive step towards fully recognizing the rights of indigenous peoples and

promoting diversity among all peoples. That was especially important to Bolivia, since indigenous peoples made up 60 per cent of its population. The adoption of the declaration by the United Nations General Assembly would recognize both the work of the Human Rights Council at its first meeting in Geneva and the time invested by many people concerned about the future of minorities, particularly that of indigenous peoples. For all those reasons, he would vote against the amendments to the draft resolution.

33. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein and Moldova, said that he considered the declaration the best achievable outcome of a thorough and open work process, in that it put Governments and indigenous peoples on an equal footing. It was time to adopt the draft Declaration as it was, thus ensuring the rights and continued development of indigenous peoples around the world.

34. The proposed amendments to the draft resolution would result in unnecessary delay in adopting the draft Declaration. The European Union would therefore vote against the amendments to the draft resolution, and urged other delegations to do likewise.

35. **Mr. Rokolaqa** (Fiji) said that he firmly believed that the draft Declaration, based on international values, was essential for the survival, dignity and well-being of indigenous peoples. Therefore, any move to delay its adoption would prolong the suffering of the very peoples whose rights it was intended to promote and protect. Postponing its adoption could also jeopardize the work already done and thus delay the production of a final draft.

36. The Human Rights Council had endorsed the draft Declaration; therefore, any attempt to reopen the draft for negotiation would undermine the credibility of the Human Rights Council. His delegation regarded any vote in favour of the amendments to the draft resolution as a vote for a no-action motion; accordingly, he would vote against the amendments to the draft resolution and appealed to all delegations to do the same.

37. **Ms. Banks** (New Zealand) said that she supported the proposed amendments. Her delegation firmly believed that the draft Declaration was fundamentally flawed and the product of a deeply unsatisfactory process, with the text becoming open for discussion only four years previously. Instead, New Zealand wished to see a declaration on indigenous rights that could be held up as a standard of achievement for all States. Acting on a human rights instrument in the context of widespread and deeply felt reservations would be counterproductive. On the other hand, a vote in favour of the proposed amendments, in a spirit of dialogue and inclusivity, held out the opportunity of finding consensus among States which would make a real difference in the lives of indigenous peoples.

38. **Mr. Labbé** (Chile) said that he would vote against the proposed amendments for reasons of solidarity with Chile's indigenous peoples, with the Latin American community and with civil society, which saw the Declaration as an instrument for advancing the rights of indigenous peoples. The main legal justification for voting against the amendments was the lack of participation by indigenous people in formulating them.

39. He aligned himself with the Peruvian delegation's statement that the declaration was not perfect and would perhaps never be perfect. International law provided mechanisms that allowed States to interpret provisions as they saw fit; Chile would make use of those mechanisms in the future.

40. **Mr. Aksen** (Turkey) said that he regretted the failure to reach a wider consensus on the text of the Declaration due to the fact that serious concerns, raised mainly by States with large indigenous populations, had not been fully taken into account. It would have been preferable to adopt a text that had not been voted on at the Human Rights Council. For those reasons, he would vote in favour of the amendments to the draft resolution.

41. **Ms. Nassau** (Australia) said that despite efforts within the Inter-Governmental Working Group on the draft Declaration, her delegation continued to hold substantive concerns about the Declaration in its current form, many of which had been expressed in the Third Committee earlier in the session. In addition, it had consistently expressed concern that States had not had an opportunity formally to respond to the text

before its adoption by the Human Rights Council. Her delegation wished to see a declaration with universal support that provided States and indigenous peoples with a blueprint for harmonious and constructive relationships and that was clear, transparent and capable of implementation; it would therefore vote in favour of the amendments to the draft resolution.

42. **Mr. Bouman** (Canada) said that the concerns of Member States and other interested parties should be addressed before the Declaration was adopted. His delegation would therefore vote for the amendments to the draft resolution and urged others to do the same.

43. **Mr. Nikiforov** (Russian Federation) said that he had supported the Declaration from the beginning and considered its adoption by consensus an important step towards ensuring indigenous peoples' rights. The amendments to the draft resolution were justified insofar as they would allow the States to reach that consensus; he would therefore vote in favour of them.

44. **Mr. Suárez** (Colombia) said that he recognized the importance of adopting the draft Declaration. However, consensus was crucial to ensuring that the declaration would be implemented in the various States according to international standards. Colombia's commitment to indigenous communities remained intact and it was hoped that the delegations would overcome the current obstacles to consensus. He would therefore vote in favour of the amendments.

45. **Mr. Jølle** (Norway) said that he had supported the Declaration and the related work of the previous 24 years; he would therefore vote for the amendments contained in draft resolution A/C.3/61/L.57/Rev.1.

46. *At the request of the representative of Peru, a recorded vote was taken on draft resolution A/C.3/61/L.57/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Australia, Bahamas, Bahrain, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Kazakhstan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Oman, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, Nauru, Netherlands, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Bhutan, China, Georgia, India, Israel, Japan, Jordan, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka, Tonga, Trinidad and Tobago, Ukraine, United States of America, Vanuatu, Venezuela (Bolivarian Republic of).

47. *The amendments to draft resolution A/C.3/61/L.18/Rev.1, contained in document A/C.3/61/L.57/Rev.1, were adopted by 82 votes to 67, with 25 abstentions.*

48. **Mr. Anshor** (Indonesia) said that although he had supported the draft Declaration when voted on in the Human Rights Council, he had voted in favour of the proposed amendments because it was important for Member States to have the opportunity to hold further consultations prior to the end of the sixty-first session of the General Assembly.

49. Recalling that the draft Declaration had been adopted by the Human Rights Council, a body of just 47 States, he stressed that every Member State should take part in the final decision-making process, thus giving the Declaration wide acceptance and legitimacy.

50. **Ms. Bowen** (Jamaica) said that she had supported the proposed amendments because, although the Declaration was extremely important, she found some of its aspects to be problematic. One was the absence of a clear definition of the term "indigenous peoples". In allowing for self-description, the Declaration opened the possibility for any minority group to assert specific rights. Another concern was the extension of the right of self-determination to minority groups, which undermined States' stability and territorial integrity.

51. **Mr. Pekarchuk** (Ukraine) said that he thought it necessary to continue consultations and work on the text of the Declaration. Furthermore, he believed that amending the substance of decisions already adopted by the Human Rights Council might create an undesirable precedent and thus undermine the work of the Human Rights Council. He had therefore abstained from voting.

52. **Mr. Bouman** (Canada) said that he was prepared to work with all delegations to establish an open and transparent process for consultations, which should include the participation by indigenous peoples. The draft resolution should be used as a basis for that process, which should be time-limited, with the resulting text to be adopted by the end of the sixty-first session.

53. **Mr. Talbot** (Guyana) said that he had voted in favour of the proposed amendments, which represented a reasonable request with regard to such an important matter. However, the text had raised concerns by a significant number of Member States, which should be dealt with in a well-defined time frame, as set out in the proposed amendments. He intended to work together with all delegations constructively in seeking to address those concerns, some of which he shared, including that of self-determination.

54. **Mr. Babadoudou** (Benin) said that, although it had sponsored the Declaration, his delegation had voted for the proposed amendments in the hope that delegations would thus be able to reach an agreement. It was of the utmost importance to establish a framework for further consultations on the Declaration which would allow for its rapid adoption.

55. **Mr. Outlule** (Botswana) said that Botswana was not hostile to the Declaration, since it represented a large number of indigenous peoples. However, he believed that the amendments were reasonable requests made in good faith and had therefore voted in favour of them. He now looked forward to working with other Member States to achieve a document that would enjoy universal support.

56. **Mr. Kyaw Tint Swe** (Myanmar) said that Myanmar had always supported the right of self-determination of peoples under colonial rule, and accepted the right of all peoples under colonial domination to gain national independence. It could not accept any other interpretation of that right. The right of self-determination of national races living in a sovereign State was strictly governed by the laws of that country.

57. **Mr. Al Saif** (Kuwait) said that the objective of any declaration was its effective application. In light of the absence of a definition of "indigenous peoples" in the draft Declaration in question and the lack of time for further consultations, he failed to see how his country would be able to apply such a declaration; therefore, he had voted for the amendments delaying its adoption.

58. **Mr. Olago Owuor** (Kenya) said that his delegation was opposed to the Declaration as presented. First of all, the lack of a definition of "indigenous peoples" put Kenya at significant risk, as any group could claim the right of self-determination. The use of the term "self-determination" could apply only to countries under colonial rule. In addition, land and property rights were defined in Kenya's Constitution, and his delegation had found many contradictions between Kenya's Constitution and the draft Declaration. He had therefore supported the amendments.

59. **Ms. Mballa Eyenga** (Cameroon) said that Cameroon attached great importance to the protection and promotion of human rights, and had therefore supported the draft Declaration and become a sponsor of the related draft resolution. Although negotiations had not yet resulted in a text that was acceptable to all, she continued to hope that the Declaration would in time receive universal support and be adopted by consensus. With that in mind, she had voted in favour of the amendments.

60. **Mr. Biaboroh-Iboro** (Congo) said that his delegation looked forward to the adoption of the draft Declaration, within a clearly established and appropriate time frame and by consensus.

61. **Mr. Nyamulinda** (Rwanda) said that his country recognized the rights of indigenous peoples within the overall context of respect for human rights. However, the concept of self-determination and the establishment of political, social and economic mechanisms as outlined in the draft Declaration ran counter to the notion of integrating indigenous peoples into society. The creation of social, economic and cultural policies specific to such groups was likely to be a divisive factor that would isolate them, and encouraging them to establish their own institutions and systems alongside central authorities and institutions would weaken the State as a whole and hinder the recovery of States emerging from conflict situations. Such an environment would result in their marginalization.

62. **Mr. Suárez** (Colombia) said that his delegation regarded the adoption of the proposed amendments to draft resolution A/C.3/61/L.18/Rev.1 as an opportunity for States to reach consensus on the draft Declaration. Colombia was committed to protecting the rights of indigenous peoples, and, to that end, had developed and established a number of public policies to address the specific needs and priorities of indigenous communities, based on the results of close cooperation with those communities on a broad range of issues. The draft Declaration must take into account the views and ideas expressed by indigenous communities, and it was vital to ensure that consensus on that document was achieved on the basis of their participation in consultations and within the established time frame.

63 **The Chairman** invited the Committee to take action on A/C.3/61/L.18/Rev.1 as a whole, as amended.

64. **Mr. Khane** (Secretary of the Committee), drawing attention to new paragraph 3 of A/C.3/61/L.18/Rev.1, said that the words "contained in the annex to the present resolution" should be inserted after the word "Declaration". He announced that Albania, Andorra, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Cameroon, Congo, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominica, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Panama, Paraguay, Peru, Portugal, Serbia, Slovenia, Spain, Switzerland and the former Yugoslav Republic of Macedonia were withdrawing their sponsorship of draft resolution A/C.3/61/L.18/Rev.1 as amended and orally corrected, and that Algeria, Angola, Botswana, Burkina Faso, Burundi, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritania, Morocco, Mozambique, Namibia, Nigeria, the Sudan, Swaziland, Togo, Tunisia, the United Republic of Tanzania and Zimbabwe wished to sponsor the draft resolution.

65. **Mr. Chávez Basagoitia** (Peru), speaking in explanation of vote before the voting, said that, while his delegation remained willing to engage in dialogue, it was unable to support the revised draft resolution, which was severely restricted in that it did not provide for the participation of indigenous groups. His delegation would therefore abstain from voting, and encouraged other sponsors to do likewise.

66. **Mr. Labbé** (Chile) said that his delegation would abstain from voting, since it was unable to support a consultative process that did not provide for the participation of indigenous peoples.

67. **Ms. Moreira** (Ecuador), endorsing the statement made by the representative of Chile, said that it was regrettable that the Third Committee had not adopted the draft Declaration. Her delegation would abstain from voting, in solidarity with other delegations that had withdrawn their sponsorship of the draft resolution.

68. **Mr. Skinner-Klée** (Guatemala) said that his delegation regretted that the Third Committee had not adopted the original version of the draft resolution. While his delegation remained willing to engage in open dialogue on the draft Declaration, that dialogue should be inclusive and transparent. Since the participation of indigenous groups in such dialogue before the end of the sixty-first session of the General Assembly appeared unlikely, his delegation would abstain from voting on the draft resolution.

69. **Mr. Rodas Suárez** (Bolivia) said it was regrettable that the revised draft resolution excluded indigenous peoples from dialogue on the draft Declaration, of which they were the key protagonists and beneficiaries. His delegation would therefore abstain from voting, in solidarity with his country's indigenous peoples.

70. **Ms. Pi** (Uruguay) said that her delegation was deeply disappointed that the draft resolution had been amended. While it supported the draft Declaration, it would abstain from voting on the draft resolution, since there was no clarity regarding the form that consultations would take, and the time frame established in new paragraph 3 did not necessarily mean that the Declaration would be adopted by the end of the sixty-first session of the General Assembly. In that regard, it was difficult to understand why there was now a further delay in the adoption of the Declaration.

71. **Mr. Mbuende** (Namibia) thanked those delegations that had supported the proposed amendments to the draft resolution, and said that, while the form of the consultative process was not defined in the draft resolution, all ideas and suggestions were welcome. The aim of the draft resolution was not to cut the consultative process short, but to ensure that there was sufficient time to ensure the involvement and input of all interested parties with a view to achieving consensus. To that end, the consultative process should begin immediately following adoption of the draft resolution.

72. **Mr. Solórzano** (Nicaragua) said that his delegation would abstain from voting, since the amended text of the draft resolution failed to provide for the participation of indigenous peoples in consultations.

73. *At the request of the representative of Peru, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Bahamas, Bahrain, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Marshall Islands, Mexico, Moldova, Monaco, Montenegro, Nauru, Nepal, Netherlands, Nicaragua, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

74. *Draft resolution A/C.3/61/L.18/Rev.1 as a whole, as amended and orally corrected, was adopted, by 83 votes to none, with 91 abstentions.*

75. **Ms. Banzon-Abalos** (Philippines) said that her delegation had been prepared to support the immediate adoption of the draft Declaration on the understanding that the right to self-determination must not be construed as authorizing or encouraging any action that would impair totally or in part the territorial integrity or political unity of any sovereign or independent State with a Government representative of all persons belonging to its territory, and that ownership of land and natural resources was vested in the State. However, it had abstained from voting on the amended draft

resolution, since it would have preferred the immediate consideration of the draft Declaration as a tool for catalysing concrete global action to promote the rights of indigenous peoples.

76. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Liechtenstein and Moldova, said that the European Union regretted that it had not been possible to find a common ground on the draft resolution. The draft United Nations Declaration on the Rights of Indigenous Peoples was the best achievable outcome of a thorough and open process of work that reflected the wide-ranging discussions of more than 20 years. The European Union valued highly the inclusiveness of that unique standard-setting process, whereby Governments and indigenous peoples themselves had been involved on an equal footing, yet the amendments to document A/C.3/61/L.18/Rev.1 appeared to disregard the value of that process. Contrary to the recommendations of the Human Rights Council, the amendments paved way for further delay in adopting the draft Declaration, which would be a valuable addition to existing United Nations mechanisms for the promotion and protection of the rights of indigenous peoples worldwide and their continued development.

77. **Mr. Takase** (Japan) said that his Government attached great importance to the protection and promotion of the rights of indigenous people, and supported the early adoption of the draft Declaration. It was therefore disappointing that the Committee had deferred action on that instrument. However, the amendments to document A/C.3/61/L.18/Rev.1 were valuable in that they would facilitate consensus, and his delegation would participate actively in further negotiations with a view to achieving the broadest possible consensus within the established time frame.

78. **Ms. Olivera** (Mexico) said that her delegation had abstained from voting because the revised text of document A/C.3/61/L.18/Rev.1 did not provide for the involvement of indigenous peoples in consultations and lacked clarity regarding the form that those consultations should take. Furthermore, it failed to guarantee or establish a time frame for the adoption of the draft Declaration. However, her delegation understood new paragraph 3 as implying that the General Assembly would adopt the draft Declaration before its following session. In that regard, it was to be hoped that Member States would refrain from using further delaying tactics to defer its adoption.

79. **Ms. Tawfiq** (Iraq), welcoming the adoption of the draft resolution, said that her delegation supported the draft United Nations Declaration on the Rights of Indigenous Peoples as the fruit of efforts over more than two decades. However, she drew attention to her country's reservations on articles 4 and 26 and on the right of indigenous peoples to exploit subsoil resources when such exploitation violated the rights of the State. In that regard, her delegation looked forward to reaching agreement on those issues during further negotiations before the end of the sixty-first session of the General Assembly.

80. **Ms. Escobar-Gómez** (Bolivarian Republic of Venezuela) said that her country applied a broad and comprehensive approach to the rights of indigenous peoples, recognizing not only the right of those peoples to ownership of their traditional lands but also a number of special collective and individual rights, and, in addition, had adapted its public services structure to provide for their specific needs. The adoption of the draft Declaration would serve as a source of inspiration and guidance for those countries seeking to make significant progress in promoting and protecting the rights of their indigenous communities.

81. **Mr. Amorós Núñez** (Cuba) said that his delegation reaffirmed its commitment to the promotion and protection of the rights of indigenous peoples and would continue to participate actively in the relevant human rights forums and consultations with a view to the adoption of the draft Declaration at the earliest opportunity. In that regard, it would support all efforts to ensure that the opinions of indigenous communities were taken into account.

82. **Ms. Maierá** (Brazil) said it was regrettable that the Committee had not adopted the draft Declaration, which her Government supported as a reaffirmation of the commitment of the international community to ensuring the enjoyment by indigenous peoples of all human rights and fundamental freedoms and to respecting the value and diversity of their cultures and identities.

The meeting rose at 1.20 p.m.